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**4. Licenses (§ 58\*)—Use of Land—Revocation.**—A license to use a private way across land is revocable at the pleasure of the licensor.

[Ed. Note.—For other cases, see Licenses, Cent. Dig. §§ 116-120; Dec. Dig. § 58.\* 9 Va.-W. Va. Enc. Dig. 303.]

**5. Licenses (§ 58\*)—Revocation.**—If an oral permission for the use of land as a way would, if under seal, have created an easement, equity may regard it as an equitable easement and irrevocable upon part performance by the licensee by expenditure of money or otherwise.

[Ed. Note.—For other cases, see Licenses, Dec. Dig. § 58.\* 9 Va.-W. Va. Enc. Dig. 303.]

Appeal from Circuit Court, Pulaski County.

Suit by T. M. Dobyns and another against J. Howe Kent and others. From a decree in part for complainants, defendants appeal. Affirmed.

*Jno. S. Draper* and *Jos. C. Wysor*, for appellants.

*W. B. Kegley* and *E. Lee Trinkle*, for appellees.

HOWARD v. GOSE et al.

Sept. 14, 1911.

[72 S. E. 140.]

**1. Appeal and Error (§ 1019\*)—Review—Report of Referee.**—The report of a commissioner appointed in receivership proceedings is prima facie correct, and an order confirming it will not be reversed if the evidence is conflicting, unless the commissioner's finding is clearly erroneous.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 4008-4010; Dec. Dig. § 1019.\* 1 Va.-W. Va. Enc. Dig. 623.]

**2. Receivers (§ 203\*)—Statement of Account—Reference.**—Where a commissioner appointed to take a receiver's account reported that he charged the receiver with all sums received and credited him with all expenditures made by him, and it does not appear that the account could have been itemized and stated in detail, as directed by the decree ordering the account, or that a recommitment would be beneficial, the report was properly confirmed, though it did not state the receiver's account in detail.

[Ed. Note.—For other cases, see Receivers, Cent. Dig. § 406; Dec. Dig. § 203.\* 11 Va.-W. Va. Enc. Dig. 752.]

**3. Receivers (§ 193\*)—Accounting—Credits.**—Upon the accounting of a receiver for the purchaser of lumber, who had become insolvent, the receiver should be credited with the amount of a rebate made for lumber sold by him under a guaranteed inspection, necessitated by a

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

shortage in the lumber sold; the inspection having been made by the receiver's agent.

[Ed. Note.—For other cases, see Receivers, Cent. Dig. § 384; Dec. Dig. § 193.\* 11 Va.-W. Va. Enc. Dig. 665.]

**4. Receivers (§ 192\*)—Accounting—Cost of Settling.**—A receiver did not make any account until a rule to show cause why he had not done so, in answer to which he filed a statement showing a much less balance in his hands than was due from him, whereupon the court ordered a reference to have a correct account made. Held, that the receiver should be charged personally with the expense of taking the account, crediting him with the amount paid for the commissioner's statement; the fund in his hands being chargeable only with the reasonable expense for stating the receiver's account, in answer to the rule to show cause.

[Ed. Note.—For other cases, see Receivers, Cent. Dig. § 383; Dec. Dig. § 192.\* 11 Va.-W. Va. Enc. Dig. 666.]

**5. Receivers (§ 198\*)—Compensation.**—Where, though the receiver did not keep accurate accounts, it was not shown that he did not act in good faith and manage the receivership properly, he will be allowed the usual compensation of 5 per cent. of the amount passing through his hands.

[Ed. Note.—For other cases, see Receivers, Cent. Dig. §§ 392-396; Dec. Dig. § 198.\* 11 Va.-W. Va. Enc. Dig. 666.]

Appeal from Circuit Court, Russell County.

Suit by C. T. Howard, administrator, against W. H. Gose and others. From a decree confirming the commissioner's report in receivership accounting proceedings, complainant appeals. Amended and affirmed.

*W. W. Bird*, for appellant.

*Routh & Routh* and *S. B. Quillen*, for appellees.

BROWN et al. v. BALDWIN et al.

Sept. 14, 1911.

[72 S. E. 143.]

**1. Schools and School Districts (§ 111\*)—Location of School—Action.**—Where a municipality, to secure the location of a state normal school, agreed to furnish a site, and it appeared that the site finally selected would cost no more than the one first proposed, citizens were not sufficiently interested to invoke the equitable remedy of injunction to prevent the selection of the second site, for their burdens of taxation could not be increased.

[Ed. Note.—For other cases, see Schools and School Districts, Cent. Dig. §§ 265-268; Dec. Dig. § 111.\* 7 Va.-W. Va. Enc. Dig. 522, 585.]

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.